

KYES

ANCHORAGE

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Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

July 19, 1994

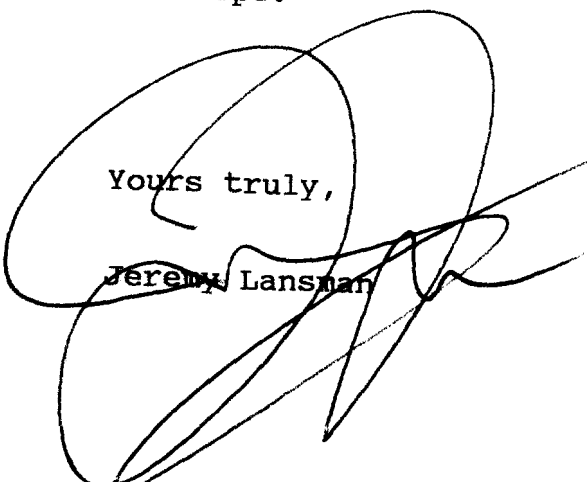
RE: MD Docket No. 94-19 Fireweed Request for
Declaratory Ruling

Dear Mr. Caton:

Enclosed find an original plus twelve copies of Fireweed Communication Corporation's Request for Declaratory Ruling.

You will also find enclosed an addressed and stamped return envelope, addressed to Fireweed. Please stamp one copy as received by the Commission, and mail back to Fireweed in the enclosed envelope.

Yours truly,


Jeremy Lansman

No. of Copies rec'd 0+11
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Implementation of Section 9)
of the Communications Act)
)
Assessment and Collection of)
Regulatory Fees for the 1994)
Fiscal Year)

MD DOCKET No. 94-19

TO: The Commission

**REQUEST FOR DECLARATORY RULING
Fireweed Communications Corp.
KYES (TV), ANCHORAGE, AK.
EXPEDITED ACTION REQUESTED**

Fireweed Communications Corporation ("Fireweed"), licensee of television station KYES, translator station K06LY, and Broadcast Auxiliary stations WMG-298, WMG-300, WMG-299, and KC-24192, hereby requests the Commission to clarify certain rules set forth in its June 16, 1994 Report and Order. This request is made Pursuant to 303 (a) of the Communications Act, and 47 C.F.R. § 1.2.

1. Expedited action is requested. The Regulatory Fee is due on July 29th, 1994. A prompt reply to this request may eliminate needless paperwork by the Commission, and Alaskan television licensees.
2. Anchorage is not on the Statutory Schedule. 1.1166, Appendix A, (2)(c) sets forth the Regulatory fees for television stations. At paragraph 24 the rules define "Markets" by using a list of "...rankings ... found in the Television and Cable Factbook, published by Warren Publishing".

KYES is a television broadcast station operating as a secondary service on a shared channel in Anchorage, Alaska.¹ Anchorage, Alaska is not found in the 212 markets in the Television and Cable Factbook.

In MD Docket No. 94-19 NPRM (Released March 11th, 1994), in the table at Appendix C the Commission lists the expected revenue from each category, and from "payors" in total. That list excluded KYES, and all other Anchorage, Alaska stations. Therefore, it appears Anchorage stations were not contemplated as subject to fees at that time.

The fees listed in the Report and Order, and Section 9 of the Communications Act set forth fees for market ranks 1 through 10, 11 through 25, 26 through 50, 51 through 100, and remaining markets.

Given that Anchorage, Alaska is not listed, even as a "remaining market", KYES should not be subject to a fee in Section 9 (g) of the Act, or in Appendix A of the FCC rules.

In the Report and Order, at Appendix A, footnote 2, the Commission makes clear that it will not change the Statutory schedule, even in a case where a service is not listed in the schedule due to "inadvertence" by Congress. For this reason, Fireweed believes no fee has been assessed for Fiscal year 1994.

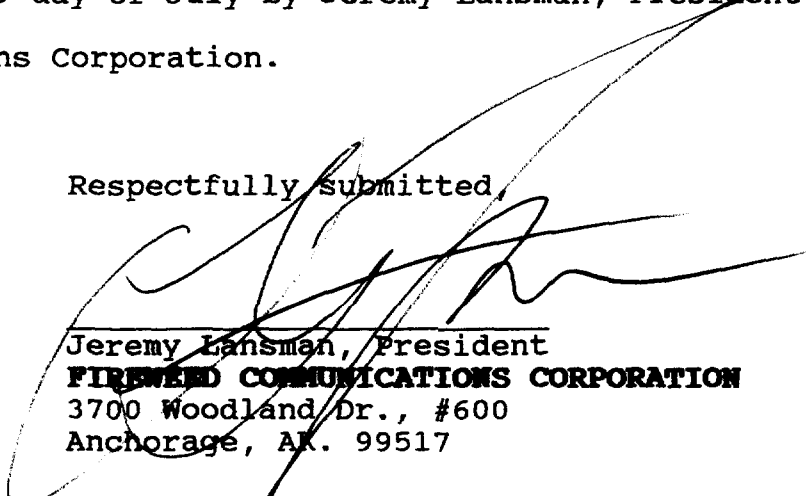
¹ Elsewhere Fireweed has requested clarification, or rulemaking regarding this shared channel status.

Even if some fee were due, it is not possible for KYES to determine market rank in accordance with 47 CFR 1.1156.

In summary, Fireweed requests that the Commission confirm by Declaratory ruling that Fireweeds interpretation that the recent acts of Congress and the recent implementing rules did not contemplate any fee being paid by Alaskan Television Stations. In the alternative, the Commission should state what that fee is, and a justification therefore.

Submitted this 19 day of July by Jeremy Lansman, President, Fireweed Communications Corporation.

Respectfully submitted,



Jeremy Lansman, President
FIREWEED COMMUNICATIONS CORPORATION
3700 Woodland Dr., #600
Anchorage, AK. 99517